

Please add a new paragraph on page 1, beginning at the first line of the specification after the title, as shown in Appendix C (attached hereto).

REMARKS

Application Status

Claims 1-12 were pending in the subject application. Claims 7-8 were withdrawn from further consideration. Claims 1-6 and 9-12 were rejected.

Rejection Under 35 U.S.C. § 101

In the Office Action, claims 1-6 and 9-12 were rejected under 35 U.S.C. § 101 because the claimed invention was alleged to be directed to non-statutory subject matter. Specifically, the Office Action indicated that claims 1-6 and 9-12 were directed to enzymes found in nature. As claim 1 has herewith been amended to recite a "purified" endonuclease- that is an enzyme in a form that does not occur in nature and the remainder of the pending claims depend from claim 1, withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. § 112 First Paragraph

In the Office Action, claims 1-6, and 9-12 were rejected under 35 U.S.C. § 112, first paragraph. The Office Action alleged that the subject matter was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action indicated that:

[t]he specification and claims do not indicate what distinguishing attributes are shared by the members of the genus. Thus, the scope of the claims

includes numerous structural variants, and the genus is highly variant because a significant number of structural differences between genus members is permitted, given that the claims do not recite any structural limitations. Since the disclosure fails to describe the common attributes or characteristics that identify members of the genus, and because the genus is highly variant, Applicant's single enzyme, alone is insufficient to describe the genus.

Although applicants do not agree or acquiesce in this rejection, in order to expedite prosecution of the application to completion, claims 1 and 3 have been amended to indicate that the endonuclease (1) is isolatable from IM9 or phorbol ester-stimulated U937 cells and (2) has the indicated physical properties. As the other pending claims depend from amended claim 1, withdrawal of this rejection is requested.

Rejection Under 35 U.S.C. § 112 Second Paragraph

In the Office Action, claims 3, 5, 9, and 11 were rejected under 35 U.S.C. § 112, second paragraph. The Office Action stated these claims are indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As suggested by the examiner, claim 3 has been amended to replace the term "approximately" with "about." Claims 5, 9, and 11 have been canceled. Therefore, withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 102

In the Office Action, claims 1-6 and 9-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kwon et al. (Kwon HJ and Kim DS, International Journal of Biochemistry and Cell Biology Vol. 30, February 1998, pp. 217-223, 1998; "Kwon"). The specification has herewith been amended to indicate that the application is a continuation of PCT/KR98/00136, an application having an international filing date of May 30, 1998. Kwon is thus not available as a

prior art reference under 35 U.S.C. § 102(b). Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

The claims currently before the examiner are supported throughout the specification and are patentable over the prior art. No new matter has been added. This application is now in full condition for allowance, and such action is respectfully requested.

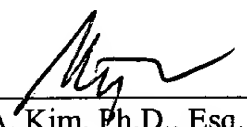
No fee is believed to be due as this response is timely filed. The Commissioner is hereby authorized to charge any underpayment of fees under 37 C.F.R. §1.16 or 1.17 as required by this paper to Deposit Account 50-0951.

Applicants invite the examiner to call the undersigned if clarification is needed on any matter within this amendment, or if the examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

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